

Report to:	Licensing Panel
Relevant Officer:	Sharon Davies, Head of Licensing Services
Date of Meeting :	11 th January 2016

APPLICATION FOR A PREMISES LICENCE – ABINGDON NEWS

1.0 Purpose of the report:

1.1 To consider an application for a Premises Licence at Abingdon News, Unit 13 Abingdon Market Blackpool.

2.0 Recommendation(s):

2.1 The panel is requested to consider the application and determine whether the granting of this licence would adversely impact on the licensing objectives.

3.0 Reasons for recommendation(s):

3.1 Representations have been received therefore there must be a hearing to determine the application.

3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.2b Is the recommendation in accordance with the Council's approved budget? Yes

3.3 Other alternative options to be considered:

None, once an application is submitted and representations received it must be considered by the Licensing Panel.

4.0 Background Information

4.1 On 2nd November 2015, the Licensing Service received an application from Santhosh Puthusseri to issue a Premises Licence at Abingdon News, Unit 13 Abingdon Market Blackpool.

4.2 The application requests permission to sell alcohol for consumption off the premises

08.30 – 17.00 hours daily. A copy of the application is attached at Appendix 4a.

4.3 Representations have been received from Lancashire Constabulary, Public Health, the Licensing Authority, and Weights and Measures. Copies of the representations are attached.

4.4 **Local policy considerations**

This premises is situated within Talbot Ward which is one for four wards that form part of the off-licence saturation policy. The effect of this policy is to create a rebuttable presumption that applications will be refused. To rebut this presumption, an applicant would be expected to show through the operating schedule, and where appropriate with supporting evidence, that the operation of the premises will not add to the cumulative impact already being experienced. The following sections of the policy are relevant:

4.8.3 This policy does not act as an absolute prohibition on the granting of new off-licences however, the policy will only be overridden in genuinely exceptional cases where the applicant can demonstrate that the granting of the application will not undermine the policy and the reasons for it.

4.8.4 An application is not likely to be classed as exceptional merely on the ground that the premises have been or will be operated within the terms of its licence or that they are/will be well managed. This is to be expected of any application.

4.5 **National policy considerations**

9.12 – The police are an essential source of advice and information on the impact and potential impact of licensable activities, particularly on the crime and disorder objective. The licensing authority should accept all reasonable and proportionate representations made by the police unless the authority has evidence that do so would not be proportionate for the promotion of the licensing objectives.

9.42 – The authority’s decision should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.

13.35 – After receiving relevant representations in relation to a new application for or a variation of a licence or certificate, the licensing authority must consider whether it would be justified in departing from its special policy in the light of the individual circumstances of the case... if the licensing authority decides that an application should be refused, it will still need to show that the grant of the application would undermine the promotion of one of the licensing objectives and that appropriate conditions would be ineffective in preventing the problems involved.

4.6 Observations

This unit in Abingdon Street Market was previously licensed, the licence holder being Mrs Kailasben Gandhi. Whilst this licence was in her name it was subject to two reviews. The first review was in November 2012 dealing with sales of alcohol to street drinkers when the licence holder had been asked not to. Conditions were added onto the licence as a result of this review. The second review was submitted in January 2015 following the seizure of counterfeit vodka. At a hearing on 24th April 2015 a Licensing Panel determined to revoke the licence having concluded that Mrs Gandhi was an irresponsible trader. This decision to revoke was upheld by the Magistrates' Court at a hearing on 17th August 2015.

The Licensing Service has concerns that Mr and Mrs Gandhi are still involved in the business at Stall 13. Mr Gandhi submitted the initial application to the Licensing Service on behalf of the applicant. Furthermore officers, when checking the site notice on 10th November 2015, spoke to Mr Gandhi at the stall. Officers also recall a telephone conversation with Mr Puthusseri on 20th November 2015 when he said that it was Mr Gandhi's shop and he would be handing it over to him next month. When asked for clarification he confirmed that Mr Gandhi would be transferring the licence into his name when it was granted.

The panel will also note that the applicant, and proposed Designated Premises Supervisor, lives in London. Whilst it is possible for the licence holder and Designated Premises Supervisor to reside out of the area, the panel, if satisfied that it is the applicant's intention to operate the business himself, may be concerned about the location of the proposed Designated Premises Supervisor bearing in mind the concerns expressed during the previous two reviews about the poor management at the premises.

4.7 Does the information submitted include any exempt information? No

4.8 List of Appendices:

Appendix 4a: Application
Appendix 4b: Representation from Lancashire Constabulary
Appendix 4c: Representation from Public Health
Appendix 4d: Representation from the Licensing Authority
Appendix 4e: Representations from Weights and Measures

5.0 Legal considerations:

5.1 Please see local and national policy in the background information.

6.0 Human Resources considerations:

6.1 None

7.0 Equalities considerations:

7.1 None

8.0 Financial considerations:

8.1 None